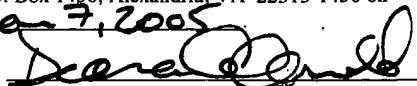


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Jan 7, 2005
By: 
Deana A. Arnold, Ph.D.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/635,175
Applicant : Patil, et al.
Filed : August 6, 2003
TC/A.U. : 1645
Examiner : Not yet assigned

Confirmation No. 9177

Docket No. : 200/1004-40
Customer No. : 31,662

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Commissioner for Patents
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Alexandria, VA 22313-1450

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PETITION TO MAKE APPLICATION UNDER 37 C.F.R. § 1.47(a)

Sir:

Applicants respectfully petition to reclassify the above-referenced application under 37 CFR 1.47(a). One of the inventors for the application, Huang Tsu Chen, has responded with conduct sufficient to constitute a refusal as evidenced by the facts presented below.

The series of events leading to this petition are as follows.

1. Mr. Chen was originally provided with the specification for his review on July 10, 2003.

2. On November 17, 2003, Mr. Chen was sent a letter requesting his signature on enclosed Declaration and Assignment documents, which he did not execute or return. These documents were sent to 19790 Auburn Drive, Cupertino, CA 95014.

3. On December 16, 2003 and December 18, 2003, Ms. Paulette Isler left messages at the home of Mr. Chen (408-725-7973) asking that he return executed copies of the Declaration and Assignment.

4. On December 19, 2003, Mr. Chen left a message for Ms. Isler saying simply that he was returning her telephone call, but making no mention of the documentation at issue. The

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telephone number from which the call was made was 650-692-9717, presumably a work number.

5. On December 22, 2003, Ms. Isler returned Mr. Chen's telephone call (650-692-9717). Mr. Chen stated that he had never called Ms. Isler nor left her a message. He further stated that she must have the wrong telephone number, however examination of her telephone log clearly showed that she had received a telephone call from 650-692-9717 (see enclosed printout of Ms. Isler's incoming telephone log).


6. Pursuant to M.P.E.P. §§ 409.03(e), the last known address of Mr. Chen is 19790 Auburn Drive, Cupertino, CA 95014.

7. The undersigned submits that all the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §§ 409.03 have been met. In summary, the applicant has submitted: (i) a statement of facts describing the presentation of the application papers to Mr. Chen and his subsequent refusal to join correlated with both testimonial and documentary evidence to support the statement of facts; (ii) a copy of the original Declaration signed by all the inventors with the exception of Mr. Chen as required by M.P.E.P. §§ 409.03(a)(A); and (iii) the last known address of the non-signing inventor.

8. Accordingly, the undersigned requests that the Commissioner approve this petition and allow prosecution on the merits to begin on the above-identified application.

9. The required petition fee set forth under 37 C.F.R. § 1.17(h) is enclosed. If there are any other fees required for filing this paper, please charge these fees to our deposit account 50-2043.

Respectfully submitted,

by: 
Deana A. Arnold, Ph.D.
Reg. No. 52,567

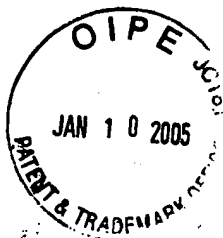
Perlegen Sciences, Inc.
2021 Stierlin Court
Mountain View, CA 94043
(650) 625-4603

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By

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Applicant	:	Patil, <i>et al.</i>
Filed	:	August 6, 2003
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Alexandria, VA 22313-1450

STATEMENT OF FACTS

As required by M.P.E.P. §§ 409.03(d), detailed below are the circumstances of the presentation of the application papers to Mr. Huang Tsu Chen and the subsequent refusal to join.

July 10, 2003

I provided the specification to Mr. Chen for his review.

November 17, 2003

I mailed a letter with the Declaration and Assignment to Huang Tsu Chen, an inventor on this application, asking for his signature on both of these documents.

December 16, 2003

I left a telephone message for Mr. Chen reminding him of the documents I had previously mailed requesting his signature.

December 18, 2003

I left another message for Mr. Chen with a reminder of the documents requesting his signature.

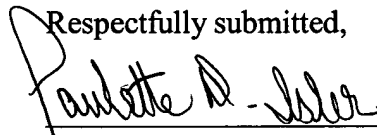
December 19, 2003

I received a telephone message from Mr. Chen saying he was returning my telephone call. The number that showed up on my telephone from Mr. Chen was 650.692.9717.

December 22, 2003

I returned Mr. Chen's telephone call (650.692.9717). Mr. Chen stated that he had never left me a message and that he never telephoned me. He also stated that I must have the wrong number. I checked my messages again and indeed Mr. Chen had telephone me on December 19th. I printed a copy of the incoming telephone log which shows up on my computer whenever I miss a telephone call (see attached).

I, Paulette D. Isler, hereby declare that all statements made herein are of my own knowledge and are true, and that all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the Patent Application or any patent issuing therefrom.

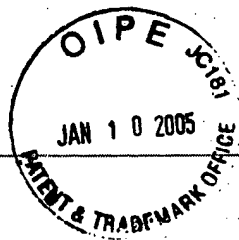
Respectfully submitted,
 , on Jan. 6, 2005
Paulette D. Isler

October 5, 2000

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Paulette Isler

From: Unity Messaging System - UNITY1
Sent: Friday, December 19, 2003 10:37 AM
To: Paulette Isler
Subject: Message from 6506929717



12/22/2003